

# Exhibit 4

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

In re Application to Unseal the Docket  
And Contents Thereof in 98 CR 1101

12 MC 150 (ILG)  
**NOTICE OF APPEAL**

**First**, notice is hereby given that movants Frederick M. Oberlander and Lorienton Palmer appeal to the United States Court of Appeals for the Second Circuit from that order apparently issued on March 15, 2013 but not properly entered on the public docket as document #106 pursuant to, and as required by, FRCP 58 and FRCP 79, until March 28, 2013<sup>1</sup>.

**Second**, notice is hereby given that movants Frederick M. Oberlander and Lorienton Palmer appeal to the United States Court of Appeals for the Second Circuit from that certain order, if any, issued, if ever, on or about March 15, 2013, but never properly entered pursuant to, and as required by, FRCP 58 and FRCP 79, such order apparently, to the extent it exists at all, purporting to justify and lawfully cause the “sealing” of document #106 and further apparently, to the extent it exists at all, purporting to justify and lawfully cause the withholding of that order from movants/appellants.

**Third**, notice is hereby given that movants Frederick M. Oberlander and Lorienton Palmer appeal to the United States Court of Appeals for the Second Circuit from that order issued on May 15, 2013, entered on the public docket as document #118, denying their FRCP 59 motion to amend (reconsider) the March 15, 2013 order, filed on April 19, 2013 as document #113 and amended on April 22, 2013 by document #114.

**Fourth**, notice is hereby given that movants Frederick M. Oberlander and Lorienton Palmer appeal to the United States Court of Appeals for the Second Circuit from that certain order issued on May 17, 2013 entered on the public docket as document #120 denying their letter motion for relief filed on May 15, 2013 and entered on May 17, 2013 as document #121.

Dated: New York, New York

Respectfully submitted,

June 14, 2013

THE LAW OFFICE OF RICHARD E. LERNER, P.C.

By: /s/ Richard E. Lerner  
The Law Office of Richard E. Lerner, P.C.  
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917-584-4864  
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Counsel for movant/appellant Oberlander  
Appellate Counsel for movant/appellant Palmer

To: ECF Registered Filers

Linda Strauss (Movant *pro se*)  
25 Anchorage Road  
Port Washington, NY 11050

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<sup>1</sup> The order was apparently issued March 15, 2013, purportedly under seal, without an entry on the public docket, and issued intentionally without notice to, service on, or transmission to counsel for movants/appellants, who first became aware of it on March 22, 2013 when a copy was served on him by the United States Solicitor General, after he filed it under seal on March 20, 2013 in a matter before the U.S. Supreme Court, viz. *Roe v. U.S. v. Doe*, 12-112. Subsequently, on request of movant/appellant Oberlander, the district court first caused its proper docketing on March 28, 2013. See document #109. Movants/appellants then on April 19, 2013, within the 28 day rule required by FRCP 59, timely filed a joint motion to reconsider, thus tolling the time to appeal until disposition of that motion. That motion was denied on May 15, 2013, see document #118 which began the time in which to appeal, in this case 60 days because the United States is a party/co-respondent.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

In re Application to Unseal the Docket  
And Contents Thereof in 98 CR 1101

12 MC 150 (ILG)  
**CERTIFICATE OF SERVICE**

The undersigned affirms under penalty of perjury, pursuant to 26 U.S.C. §1746, that he caused service of the attached Notice of Appeal to be made by means of United States mail to the below address on *pro se* movant

Linda Strauss  
25 Anchorage Road  
Port Washington, New York 11050

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Dated: New York, New York

Respectfully submitted,

June 14, 2013

THE LAW OFFICE OF RICHARD E. LERNER, P.C.

By: /s/ Richard E. Lerner  
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